

PTO/SB/26 (08-04)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
056291-5062-01

In re Application of: BREULT et al.

Application No.: 10/771,118

Filed: February 4, 2004

For: 2,4-DIAMINO PYRIMIDINE COMPOUNDS HAVING ANTI-CELL PROLIFERATIVE ACTIVITY

The owner, AstraZeneca AB, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,632,820 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

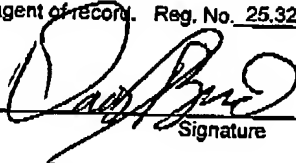
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 25,323



Signature

June 20, 2006

Date

Donald J. Bird

Typed or printed name

202-739-5320

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

ATTENTION: MAIL STOP - AMENDMENT

In re APPLICATION of:

BREAULT et al.

Appln. No.: 10/771,118

Filed: February 4, 2004

FOR: PYRIMIDINE COMPOUNDS

Confirmation No: 8825

Group Art Unit: 1614

Prior Examiner: RAO

1. Amendment and Response, fee auth if nec.
2. Two (2) terminal disclaimers and fees (\$130 ea – total \$260), deposit acct. auth.
3. Three (3) month extension of time and fee auth. (\$1020)

Attorney Docket No.: 056291-5062-01

Dated: June 20, 2006

DJB/ds



DOCKETED

By BP Date 6/21/06

JUN. 28. 2006 2:54PM

NO. 003 P. 1

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
TEL: 202.739.3000
FAX: 202.739.3001
eFax: 877.432.9652
www.morganlewis.com

Morgan Lewis
COUNSELORS AT LAW

SEND TO

Name: **Examiner Rao** Firm: **USPTO**
FAX #: **571-273-0672** Telephone #:

FROM

Name: **Donald J. Bird** Floor:
Operator Sending: Telephone # **202.739.5320**
FAX #: **877.432.9652** Date Sent: **June 28, 2006** No of Pages: **3**
(including cover page)

FAX MESSAGE

THE INFORMATION CONTAINED IN THIS FAX MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE NAMED RECIPIENT(S). THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

COMMENTS

Re: **U.S. Patent Application No.: 10/771,118**
Title: 2,4-Diamino Pyrimidine Compounds Having
Anti-Cell Proliferative Activity
Inventors: Gloria A. BREAULT et al.
Our Reference: 056291-5062-01

Attached is the "missing" terminal disclaimer and a copy of our stamped receipt card indicating two (2) terminal disclaimers were filed and the fee authorizations.

DO NOT SEND TO CLIENTS | TEAR ALONG DOTTED LINE | THIS PORTION FOR BILLING PURPOSES ONLY

Date Sent: **June 28, 2006** Attorney: **Donald J. Bird** ID: **13950**
Time: Client: **AstraZeneca** Client/Matter Number: **056291-5062-01**
(1) Fax No.: **571-273-0672**
Receipt Confirmed: Number of Pages: **3** ☐ Firm Charge [WA-06]
(including cover page) (check box if applicable)